

documents to the Plaintiffs but is ordered to preserve those documents. No privilege log need be created.

To the extent that there is any correspondence including mail, texting, and email, directly between Elliott and either of the Chinese Defendants where no legal counsel is copied, this correspondence must be produced to the counsel for Plaintiffs.

To the extent that there is any correspondence, including but not limited to mail, texting, and email, between Elliott and either of the two Chinese Defendants where counsel is the author or a recipient and Elliott or either of the two Chinese Defendants takes the position that the correspondence is privileged, these must be identified on a privilege log, and the log must be provided to the counsel for Plaintiffs. Copies of the correspondence must be produced to the Court for an *in camera* review.

To the extent that there is any correspondence, including but not limited to mail, texting, and email, between Elliott and either of the two Chinese Defendants where counsel is the author or a recipient and Elliott or either of the two Chinese Defendants takes the position that the correspondence is not privileged, these must be produced to the counsel for Plaintiffs.

The Court **ORDERS** the Parties to meet and confer within 48 hours of the entry of this Order to determine a date by which the Defendants can comply with this Order. If the Parties cannot resolve this by agreement, then either Party may contact the Court and the Court will set a telephonic hearing to resolve any dispute.


Finally, the Court **GRANTS** Plaintiff leave to send Elliott a notice to take a Rule 30(b)(6) deposition on up to five topics. Elliott must affirmatively represent to the counsel for Plaintiff whether or not there is a corporate representative who has information that would be responsive to each of the topics. If Elliott does not have any corporate knowledge with respect to any one or

more of the five topics, it must affirmatively represent that to counsel for Plaintiff with respect to each individual topic. If Elliott does have information that would be responsive to one or more of the topics, then it must proffer a corporate representative on each of those topics. Counsel for Plaintiff is entitled to ask the corporate witness to answer questions with the qualification that the witness does not have to disclose any information that it learned exclusively from attorney-client communications. Counsel for the Plaintiff may inquire as to who was involved in the communication to determine if in fact the attorney client privilege exists and if Elliot is maintaining that the privilege exists even if the source of the information was from one of the Chinese Defendants.

Other than as provided immediately above, if the corporate witness makes an affirmative representation to any question that the corporation does not have any information that is responsive and/or that is not protected by the attorney client communication then Counsel for Plaintiff is instructed to proceed to a different question.

The deposition will last no longer than four hours and may be taken by video.

SIGNED and **ENTERED** this 27th day of April 2020.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE